

**REMARKS**

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

Claims 1, 8 and 16 have been amended as set forth herein.

Claims 1-20 remain pending in this application.

Reconsideration of the claims is respectfully requested.

The Applicant has made the arguments set forth above in order to place this Application in condition for allowance. In the alternative, the Applicant has made the amendments and arguments to properly frame the issues for appeal. In this Response, the Applicant makes no admission concerning any now moot rejection or objection, and affirmatively denies any position, statement or averment of the Examiner that was not specifically addressed herein.

**I. CLAIM REJECTION UNDER 35 U.S.C. §102**

Claims 1-3, 7-10, 14 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No.6,968,192 to Longoni (“*Longoni*”). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-67 (8<sup>th</sup> ed., rev. 5, August 2006) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every

limitation of the claimed invention is found in a single prior art reference. *Id.* (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Claim 1 recites the unique and nonobvious limitations with emphasis below:

1. For use in a wireless network comprising a plurality of wireless communication devices, an interrogating state machine comprising:
  - a server status store operable to store current server status information for each of a plurality of servers, the current server status information for each server comprising load information for the server and capability information for each server; and
  - a server assigner operable to collect server status information from the servers, provide triggers to the servers, and to store the server status information in the server status store as current server status information, and to assign one of the servers to host one of the wireless communication devices based on the current server status information, wherein the triggers provided to the servers comprise information related to instructions on under what time-independent conditions to provide the interrogating state machine with updated server status information. [Currently Amended]

The Applicant respectfully submits that the element of “under what time-independent conditions to provide the interrogating state machine with updated server status information” is not disclosed or suggested by *Longoni*. The Applicant amended claim 1 to clarify that the triggers used to transmit information to the interrogating state machine are not necessarily time-dependent. This amendment is fully supported in paragraph [0042] of the specification, as filed. This is in contrast to the prior art of record which only uses predetermined time iterations in order to decide when to transmit information relating to a particular server. As discussed in column 5, lines 29-32, the triggers of Logoni are both time-dependent and pre-programmed. In contrast, the state machine of Claim 1 provides the triggers, comprising time-independent conditions, to the server. These triggers

are executed by the server after they have been received. The Applicant, therefore, respectfully submits that the *Longoni* does not teach or suggest each and every element of Claim 1.

Claims 8 and 16 have been amended to recite limitations that are analogous to the unique and nonobvious limitation emphasized with respect to Claim 1. Claims 2-3 and 7 depend from Claim 1; and Claims 9-10 and 14 depend from Claim 8. Therefore, Claims 2-3, 7-10, 14, and 16 are patentable over *Longoni* for at least the same or similar reasons provided with regard to Claim 1.

Accordingly, the Applicant respectfully requests the §102 rejection with respect to Claims 1-3, 7-10, 14 and 16 be withdrawn.

## **II. CLAIM REJECTION UNDER 35 U.S.C. §103**

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Longoni*. Claims 5, 6, 12, 13 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Longoni* in view of U.S. Patent Application Publication No. 2003/02106694 to Jayaraman, et al. ("*Jayaraman*").

Claims 4 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Longoni* in view of what the Office Action characterizes as "the admitted prior art, APA, of Shih, ("*APA*"). The Applicant respectfully traverses these rejections.

Claims 4-6 depend from Claim 1; Claims 11-13 and 15 depend from Claim 8; and Claims 17-20 depend from Claim 16. The Applicant has shown that Claims 1, 8, and 16 are patentable over *Longoni*. *Jayaraman* does not provide a disclosure that remedies the deficiencies of *Longoni*, and *APA* is not directed to triggers. Therefore, Claims 4-6, 11-13, 15, and 17-20 are patentable over the

prior art of record.

Accordingly, the Applicant respectfully requests the §103 rejection with respect to Claims 4-6, 11-13, 15, and 17-20 be withdrawn.

**CONCLUSION**

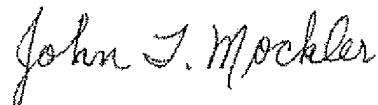
As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests that this Application be passed to issue.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *[jmockler@munckcarter.com](mailto:jmockler@munckcarter.com)*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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